

ORDER OF BIG HORN COUNTY LOCAL HEALTH OFFICER
No. 2021-3
RECOMMENDATION FOR APPROVAL BY LOCAL HEALTH BOARD
AND
ADOPTION OF REGULATION BY RESOLUTION BY LOCAL GOVERNING
BODY
No. 2021 - 20

WHEREAS, the Montana Department of Public Health and Human Services (DPHHS) recognizes COVID-19 as a threat to the residents of Montana; and

WHEREAS, response plans and protocols have been activated to prepare for cases of COVID-19 in Big Horn County, Montana; and

WHEREAS, the Montana DPHHS, local health departments, allied health and medical departments, and local jurisdictions have activated response plans and protocols to prepare for the arrival of the virus in Montana; and

WHEREAS, proactively implementing mitigation measures to slow the spread of the virus is in the best interests of the State of Montana, Big Horn County and its people, as set forth in the Board of Big Horn County Commissioners' Emergency Proclamation Resolution No 2020-7, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BIG HORN COUNTY, MONTANA PROCLAIMING AN EMERGENCY RESULTING FROM THE IMMINENT THREAT OF A DISASTER CAUSING IMMEDIATE PERIL TO LIFE OR PROPERTY THAT TIMELY ACTION CAN AVERT OR MINIMIZE; and

WHEREAS, the Montana Legislature meeting in its 67th Regular Session in 2021 has made changes in the laws regarding Local Health Boards and Local Health Officers, particularly but without limitation House Bills (hereinafter HB) 121 and 257; and

WHEREAS, to Participate in the Federal Airport Coronavirus Relief Grant Program Big Horn County must agree "to implement a face-covering (mask) policy to combat the spread of pathogens. This policy must include a requirement that all persons wear a mask, in accordance with Centers for

Disease Control (CDC) and Transportation Security Administration (TSA) requirements, as applicable, at all times while in public areas of the airport property, except to the extent exempted under those requirements. This special condition requires the airport sponsor [Big Horn County] to require masks until [Federal] Executive Order 13998, Promoting COVID-19 Safety in Domestic and International Travel, is no longer effective.”. See attached Airport Coronavirus Relief Grant Program (ACRGP) Grant Agreement; and

WHEREAS Orders of the Big Horn County Local Health Officer [hereinafter Orders shall be referred to as Order _____ with the appropriate number]; and

WHEREAS Order 2021-2 provided that “this Order may be revised, updated, amended, changed, or revoked in whole or in part at any time”; and

WHEREAS, the people of Big Horn County have made great efforts in getting vaccinated; and

WHEREAS, Big Horn County has experienced a reduction of reported cases of COVID-19 allowing the Local Health Officer and Local Health Board to rescind some provisions of prior Local Health Orders;

NOW THEREFORE, IT IS ORDERED that:

- A. Revocation of Order 2021-2** Order 2021-2 is hereby revoked immediately upon the execution of this Order, Order 2021-3.
- B. Policy per the Airport Coronavirus Relief Grant Program** In accordance with the Federal Airport Coronavirus Relief Grant Program, a policy is hereby implemented that all persons wear a mask, in accordance with Centers for Disease Control (CDC) and Transportation Security Administration (TSA) requirements, as applicable, at all times while in public areas of the Big Horn County Airport, except to the extent exempted under those requirements.

Therefore, all persons shall wear a mask in accordance with Centers for Disease Control (CDC) and Transportation Security Administration (TSA) requirements, as applicable, at all times while in public areas of the Big Horn County Airport, except to the extent exempted under those requirements until Executive Order 13998, Promoting COVID-19 Safety in Domestic and International Travel, is no longer effective.”

- C. Power of Local Health Officer** Nothing in this Order shall be deemed to limit the power of the Local Health Officer under Federal or State Law, including but not limited to, those powers found under Title 50 of the Montana Code Annotated or Title 37 of the Administrative Rules of the State of Montana, as the same are amended from time to time.
- D. Definitions**
- Social Distancing or other terms of a similar import shall mean that there shall be a minimum distance of six (6) feet between persons.
 - The term mask(s) include any face covering which covers both the nose and the mouth of the wearer.
- E. Private Entities or Persons Can be More Restrictive** Nothing contained herein shall be construed from prohibiting any person or entity furnishing goods or services or organizing an event from implementing stricter standards, by way of example, but not limitation, the person or entity furnishing the goods or services or organizing the event may require everyone to whom the goods or services are being furnished or who is attending the event to wear a mask and maintain social distancing.
- F. Captions** The captions herein are included for convenience of reference only and shall be ignored in the construction or interpretation hereof.
- G. Americans with Disabilities Act (ADA) and the Montana Human Rights Act, labor laws, or any other applicable law requiring accommodations in public accommodations** Businesses, government offices, persons responsible for indoor spaces open to the public, and sponsors of organized outdoor activities should afford accommodations from the provisions of this Order to those who are entitled an accommodation under federal and state disability protection laws, including the Americans with Disabilities Act (ADA) and the Montana Human Rights Act, labor laws, or any other applicable law requiring accommodations in public accommodations.
- H. No Additional Rights Created** This Order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against Big Horn

County, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

- I. Dissemination of Health Information** Any dissemination of health status of an individual shall be governed by appropriate Federal and State laws, including but not limited to the Health Insurance Portability and Accountability Act of 1996 and any amendments made thereto. Any recipient of the health status from a person authorized to make such dissemination shall also be governed by such appropriate Federal and State laws and shall not make further dissemination unless such dissemination is allowed by the appropriate Federal and State laws.

Without limiting the generality of the foregoing, the following apply:

- (1) Uses and disclosures to avert a serious threat to health or safety.
- (2) Permitted disclosures. A member of the Public Health Department, consistent with applicable law and standards of ethical conduct, may use or disclose protected health information as defined in the Title 45 CFR § 160.103, if the member, in good faith, believes the use or disclosure: (A) Is necessary to prevent or lessen a serious and imminent threat to the health or safety of a person or the public; and (B) Is to a person or persons reasonably able to prevent or lessen the threat, including the target of the threat which includes, but is not limited to, personnel of a school district who are entitled to receive such information under the Government Health Care Information Act [Montana Code Annotated Title, 50, Chapter 16, Part 6];
- (3) Presumption of good faith belief. A member of the Public Health Department that uses or discloses protected health information pursuant to this section is presumed to have acted in good faith with regard to a belief described in this section, if the belief is based upon the member's actual knowledge or in reliance on a credible representation by a person with apparent knowledge or authority.

IT IS HEREBY FURTHER ORDERED that this Order may be revised, updated, amended, changed, or revoked in whole or in part at any time.

IT IS HEREBY FURTHER ORDERED that this Order shall be effective upon signing, the Big Horn County Local Health Board approving it for proposal to the Big Horn County Board of Commissioners and the Big Horn County Board of Commissioners implementation of it by Resolution and remain effective, except as provided in Executive Order 13998, Promoting COVID-19 Safety in Domestic and International Travel, is no longer effective, until further notice.

Members of the public are urged to encourage and assist one another in complying with this Order.

Done and Dated at Hardin, MT this 21st day of May, 2021 at 9:16 a.m.



Carolyn Greimann, M.D.
Local Health Officer for Big Horn County, Montana
809 N Custer Avenue
Hardin, MT 59034
(406) 665-8720
publichealth@bighorncountymt.gov

SEE MONTANA CODE ANNOTATED TITLE 7, CHAPTERS 1 AND 5, TITLE 50 CHAPTER 2 PART 1 and ADMINISTRATIVE RULES OF MONTANA 37.114.102

ACTION OF BIG HORN COUNTY HEALTH BOARD

I hereby certify that this **ORDER OF BIG HORN COUNTY LOCAL HEALTH OFFICER, Number 2021-3** was duly approved by the Big Horn County Local Health Board and was proposed to the Big Horn County Board of Commissioners to adopt as a policy to be set forth in a Resolution in furtherance of implementation of public health laws by a vote of 5 in favor, ~~0~~ opposed, and ~~0~~ abstaining and that a quorum was present on this 21st day of May, 2021 at 9:15 a.m.



Larry Vandersloot
Chairman of Big Horn County, Montana
Local Health Board